

DIVISION - CONTINUATION - CONTINUATION-IN-PART APPLICATION TRANSMITTAL FORM				Attorney Docket No.: <div style="text-align: right;">2836-H</div>		
Anticipated Classification Of This Application: Class <div style="text-align: center;">Unknown</div>		Subclass <div style="text-align: center;">Unknown</div>		Prior Application: Examiner Philip Gambel		Art Unit 1644

To the Commissioner for Patents:

This is a request for filing a ☐ continuation ☒ divisional ☐ continuation-in-part application, under 37 CFR 1.53(b), of pending prior application Serial No. 10/241,927 filed on September 11, 20 02, of KENNETH A. BRASEL, STEWART D. LYMAN, EUGENE MARASKOVSKY, HILARY J. MCKENNA AND DAVID H. LYNCH for THE USE OF FLT3-LIGAND IN THE TREATMENT OF INFECTION

For CONTINUATION or DIVISIONAL APPLNs only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 1b, below, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

1. ☒ Transmitted herewith are:
☒ 26 pages of specification, 2 pages of claim(s) and 1 page of abstract, totaling 29 pages.
☐ _____ sheet(s) of drawings.
☒ 3 pages of Oath or Declaration by the applicant(s):
☐ a. Newly executed (original or copy)
☒ b. Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional applns. only)
☒ 3 pages of Sequence Listing; computer readable copy (identical to paper copy); sequence statement.

2. ☒ The filing fee is calculated below:

For	Number Filed		Number Extra	Rate	Fee
Total Claims	29	- 20 =	9	x \$18.00 =	\$ 162.00
Independent Claims	3	- 3 =	0	x \$84.00 =	0.00
Multiple Dependent Fee	X			+ \$280.00 =	280.00
Basic Fee				\$750.00 =	750.00
Total Filing Fee					\$ 1192.00

3. ☒ Please charge Deposit Account No. 09-0089, in the name of Immunex Corporation, in the amount of \$ 1192.00. An original and one copy are enclosed.

4. ☒ Throughout the prosecution of this application, if any extension of time is necessary, please consider this a request therefor.

5. ☒ The Commissioner is hereby authorized to charge any additional filing fees which may be required by the accompanying application, any additional fees which may be required during pendency of this application as required by 37 CFR 1.16 or 1.17, or credit any overpayment to Deposit Account No. 09-0089 throughout the prosecution of this application.

6. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

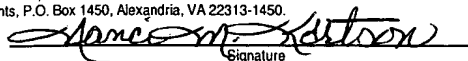
EXPRESS MAIL CERTIFICATE

"Express Mail" mail labeling number: EI162106242USDate of Deposit: August 19, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nanci M. Kertson

Printed Name



Signature

7. ☒ The specification has been updated to reflect the following information:

--This application is a ☐ continuation ☒ division of application Serial No. 10/241,927, filed September 11, 2002, now pending, which is a continuation of application Serial No. 09/444,027, filed November 19, 1999, now abandoned, which is a continuation-in-part of application Serial No. 09/154,903, filed September 17, 1998, now abandoned, which is a continuation-in-part of application Serial No. 08/725,540, filed October 3, 1996; now abandoned, which is a continuation-in-part of application Serial No. 08/539,142, filed October 4, 1995, which are hereby incorporated by reference.--

8. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of base issue fee.)

8a. ☐ New formal drawings are enclosed.

9. ☐ Priority of application Serial No. _____ filed on _____ in _____ (country) is claimed under 35 USC 119.

9a. ☐ The certified copy has been filed in prior application Serial No. _____ filed _____

10. ☐ The prior application is assigned of record to Immunex Corporation


11. ☐ A preliminary amendment is enclosed.

12. ☒ Also enclosed Statement Under 37 CFR §1.125; Postcard

13. ☐ Other: _____

Address all future communications to

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eh141002 8/19/03

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PATENT TRADEMARK OFFICE


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:	Docket No.:	2836-H
Kenneth A. Brasel, Stewart D. Lyman, Eugene Maraskovsky, Hilary J. McKenna and David H. Lynch	Group Art Unit:	Unknown
Serial No: --to be assigned-- Divisional of USSN 10/241,927	Prior Application:	
	Examiner:	P. Gambel
Filed:	August 19, 2003	
For:	THE USE OF FLT3-LIGAND IN THE TREATMENT OF INFECTION	

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR §1.125

Applicants' representative attests that the amendatory material added to the substitute specification for the divisional application of U.S. Patent Application Serial No. 10/241,927 does not constitute new matter. The parent application (i.e., U.S. Patent Application Serial No. 10/241,927) of the presently filed application had incorporated U.S. Patent No. 5,554,512 by reference in its entirety. The amendatory material added to the substitute specification consists of essentially the same material as described in U.S. Patent No. 5,554,512. In addition, a sequence listing has been added to the substitute specification, which had been disclosed in U.S. Patent No. 5,554,512.


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Date: August 19, 2003

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